

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH F. HUTCHISON, et al.)	Case No. 1:01-789
)	
Plaintiffs,)	(Judge Beckwith)
)	(Magistrate Judge Hogan)
-v-)	
)	
FIFTH THIRD BANCORP,)	DECLARATION OF SUE A. ERHART
)	IN SUPPORT OF DEFENDANT'S
Defendant.)	<u>MOTION TO RENEW</u>

I, Sue A. Erhart, being first cautioned and duly sworn, declare and testify as follows:

1. I am a partner in the law firm of Keating, Muething & Klekamp PLL, One East Fourth Street, Suite 1400, Cincinnati, Ohio 45202. I submit this Affidavit in support of Defendant, Fifth Third Bancorp's Motion to Renew Defendant's Motion for Award of Attorney's Fees.

2. I have acted as counsel for Fifth Third in handling the above-captioned litigation.

3. Since September 13, 2005, Fifth Third has incurred additional fees in the amount of \$78,727.85 in defending this litigation. This amount is over and above the \$206,531.24 that Fifth Third originally sought in its original motion for attorneys' fees. A chart showing the breakdown of the fees incurred is attached to this affidavit. Should this Court need further detail on the fees incurred, Fifth Third will provide redacted copies of the monthly invoices sent to, and paid by, Fifth Third.

4. The rates charged by Keating Muething & Klekamp to Fifth Third are the customary and usual rates for the attorneys who worked on this case and are normal rates for attorneys practicing in the Cincinnati area.

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5. The amount of fees sought by this motion is a total of the fees actually paid by Fifth Third to Keating Muething & Klekamp in defending this litigation.

6. Under the factors set forth in the Ohio Code of Professional Responsibility, D.R. 2-106, these fees are reasonable, and were necessarily incurred, given the complexity of the issues.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on December 14, 2007.

s/ Sue A. Erhart

Sue A. Erhart